

# CONDITIONAL USE

## WICHITA SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION INSTRUCTIONS FOR FILING AN APPLICATION

The Unified Zoning Code (UZO) lists specific uses for each zoning district that may be permitted with the approval of a Conditional Use. The Supplementary Use Regulations of the UZO list specific circumstances (such as distance from residential property) under which a use that may be otherwise permitted by-right in a zoning district is only permitted upon approval of a Conditional Use if that specific circumstance exists for the subject property. The development proposed by a Conditional Use should be consistent with the purposes of the Unified Zoning Code and the Comprehensive Plan. The development also should be appropriate to the neighborhood and conditions and safeguards should be provided to ensure that the development will minimize any diminution in value of surrounding property and to ensure the proposed development can be adequately served by public facilities. To provide information on the capacity of streets and other facilities serving a Conditional Use, the Planning Director may require the applicant to conduct a traffic impact study or other infrastructure capacity analyses to provide information on the development's expected impacts on existing and planned facilities. Other plans, drawings or information that are deemed necessary to enable proper consideration of the request also may be required.

1. All applicants desiring to submit a Conditional Use application should consult with the Metropolitan Area Planning Department (MAPD) prior to submitting a formal application. The purpose of the consultation is to advise the applicant of the rights and responsibilities in submitting such an application.
2. A Conditional Use application is referred to the Metropolitan Area Planning Commission (MAPC) for a public hearing. The MAPC may approve, approve with conditions or modifications, or deny a Conditional Use request. The MAPC typically meets twice a month on Thursdays in the 10<sup>th</sup> Floor Conference Room at Wichita City Hall, 455 N. Main. Refer to the MAPC calendar of public hearing dates to determine the application deadline by which a Conditional Use application must be submitted to be heard on a specific date. It is the policy of the MAPC to consider no more than nine (9) new applications at any regular meeting; therefore, processing of an application may be delayed if too many new applications are received for a specific public hearing date.
3. If the subject property is within the "Area of Influence" of a small city, the application will be scheduled for consideration by the small city Planning Commission prior to being considered by the MAPC, which may delay processing of an application if the small city's next hearing date is more than one week prior to or is after the requested MAPC hearing date. Applicants may contact a small city for a schedule of that city's Planning Commission hearing dates.
4. If the subject property is located within the City of Wichita, the application may be scheduled for consideration by the District Advisory Board (DAB) for the City Council district in which the property is located. The applicant will be notified approximately three weeks after submitting the application of the date and time of the DAB meeting, if the request is to be considered by the DAB.
5. If the Conditional Use is accompanied by a rezoning application, or if the MAPC's action is different from the small city's recommendation, or if an appeal is filed, the MAPC's action becomes a recommendation that is forwarded to the Governing Body for final action. The Governing Body typically considers Conditional Use requests one month after the MAPC public hearing.

6. The MAPC or Governing Body may require the applicant to plat or replat the property to provide adequate street right-of-way, drainage and utility easements, access control, etc. If so, the Conditional Use will not become effective until the platting/replatting process has been completed and the plat has been recorded with the Register of Deeds.
7. The applicant shall submit a completed application form for a Conditional Use request. An application to establish a Conditional Use must be signed by all property owners or by the authorized agent(s) of such owner(s). An application to amend a Conditional Use shall be signed by the owner(s) or authorized agent(s) of all land that will be directly affected by the amendment (i.e., the parcel(s) being amended). An application to adjust a Conditional Use shall be submitted according to the instruction sheet for an Administrative Adjustment, which is available separately from the MAPD.
8. The applicant shall submit a site plan that meets criteria established in the attached "Site Plan Guidelines." Failure of the site plan to meet these criteria may result in the application be declared incomplete and not being accepted, or it may result in a delay of processing the application and the applicant being charged a deferral fee. Other plans, drawings or information which the MAPD deems necessary to enable proper consideration of the request may be required.
9. An application for a Conditional use shall be accompanied by a current abstractor's certificate containing a legal description of the area in the application as well as the name and address of the owner, and shall include the names and mailing addresses (with zip codes) of all property owners within the following prescribed distance measured from the perimeter of the application area:

For applications with unincorporated Sedgwick County: 1000 feet

For applications within the city of Wichita, the notification distance is based on the size of the property as follows:

Up to and including 1 acre:	200 feet
Over 1 acre to 6 acres:	350 feet
Over 6 acres to 15 acres:	500 feet
Over 15 acres to 25 acres:	750 feet
Over 25 acres:	1000 feet

10. In accordance with local policy, the applicant shall post one or more development application signs on the application site for at least 13 days immediately prior to the scheduled public hearing of the application request. Signs shall be purchased from the MAPD when the application is filed. The fee for each sign is \$3, and one sign is required for each street frontage.
11. The applicant shall submit the required filing fee as follows:

Residential Use	\$330 + sign fee
Non-Residential Use	\$500 + \$22/Acre + sign fee
Renewal	½ the fee listed for the applicable use + sign fee
Filed with rezoning application	½ the fee listed for the applicable use + sign fee

All checks should be payable to the "City of Wichita", which acts as agent for the MAPD.

12. Request for a deferral of the hearing of any Conditional Use shall be submitted to the MAPD at least 7 days prior to the scheduled hearing date. To cover the cost of preparing and mailing new notices, persons requesting a deferral will be charged a fee as follows:

Deferral

\$110

13. All application materials and the filing fee are submitted at the MAPD, which is located on the 10<sup>th</sup> floor of Wichita City Hall, 455 N. Main and is open from 8 a.m. to 5 p.m. Monday thru Friday, excluding holidays. Applications should be submitted no later than 4 p.m. to allow time for application review and processing prior to the close of business. Incomplete applications will not be accepted. Refer to the MAPC calendar of public hearing dates to determine the application deadline by which a Conditional Use application must be submitted to be heard on a specific date. Questions regarding the application process may be directed to the MAPD at (316) 268-4421.

## **CONDITIONAL USE**

### **CHECKLIST OF REQUIRED APPLICATION MATERIALS**

- ☐ Application form
- ☐ Site plan
- ☐ Other plans, drawings, or information required at pre-application consultation (☐ if not applicable)
- ☐ Certified ownership list
- ☐ Filing fee

# SITE PLAN GUIDELINES FOR CONDITIONAL USE APPLICATION

## WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

A site plan is required as part of every Conditional Use application submitted to the Metropolitan Area Planning Department (MAPD). This document will be used in public hearings regarding your request and should be neat, legible, well-labeled, and drawn to scale. The site plan must contain the following elements:

1. Sheet Size: The site plan should be no longer than 11" by 17" and no smaller than 8½ by 11". Site plans for larger projects (greater than 6 acres), may be larger, with the approval of the MAPD.
2. Title: A brief description of the Conditional Use.
3. Applicant Name: Name of the applicant and the agent who prepared the drawing, if applicable.
4. North Arrow: Indicate the north direction with respect to the project, Lot, or structure.
5. Scale: The scale should be adequate to portray the project, Lot, or structure on the sheet size required. For example, a lot that is 70 feet by 100 feet can adequately be portrayed at a scale of 1" = 20' (1 inch equals 20 feet) on an 11" by 17" sheet of paper. The scale should not be smaller than 1" = 20' = 50' for larger properties.
6. Dimensions: In addition to adequate scale representation, all key features (lots, buildings, driveways, etc.) on the site plan shall have dimensions in feet noted for all sides.
7. Legal Description: Legal description of Lot(s) or parcels requiring a Conditional Use. This description can be in the form of Lots and Blocks or Metes and Bounds.
8. Existing Conditions: Indicate **all** structures and features as they exist on the property. These should be drawn to scale, as described above, and shall include, but not be limited to:

All structures and buildings  
Parking spaces  
Fences  
Significant trees or stands of trees  
Other landscaping  
Floodplains  
Water areas or features  
Significant topographical features  
Utilities, above or below ground  
Drainage patterns

9. All required zoning setbacks and easements: Using a dashed line, indicate all required zoning setbacks and utility, drainage, or other easements relative to the project, Lot(s), or structure.
10. All roads/streets adjacent to the property and access points off of those roads: Indicate all roads/streets, including the rights-of-way that surround or intersect the property, including alleys. Indicate all points of access (driveways) from the streets to the project, Lot(s), or structure. Indicate how each road/street is developed, e.g. paved, dirt, undeveloped.
11. Surrounding structures and uses if appropriate: Indicate surrounding uses and zoning as they apply to the Conditional Use request.
12. Modifications by the Conditional Use: Indicate any modifications to the existing structures or features that will result if the Conditional Use request is approved. If these modifications or additions are extensive, a second site drawing might be necessary so as not to be confused with the existing conditions. These modifications or new features may include, but are not limited to:

Buildings  
Structures  
Parking areas  
Vehicular drives  
Pedestrian walks  
Location and height of light fixtures  
Location of trash receptacles and loading areas  
Landscaped areas

# APPLICATION

Case \_\_\_\_\_

This form MUST be completed and filed at the Planning Department, Tenth Floor, City Hall, 455 N. Main St., Wichita, KS, 67202 in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED. Check the appropriate box below for type of application being submitted. A separate application form and filing fee is required for each application. A preapplication conference with the planning staff is recommended before filing this application.

## SECTION I

This property is located within: ☐ Wichita ☐ Sedgwick County (unincorporated)

### Metropolitan Area Planning Commission:

- ☐ Zone Change: From zoning district: \_\_\_\_\_ to \_\_\_\_\_
- ☐ Planned Unit Development: ☐ Approval ☐ Amendment to PUD \_\_\_\_\_ ☐ Adjustment to PUD \_\_\_\_\_
- ☐ Community Unit Plan: ☐ Approval ☐ Amendment to CUP \_\_\_\_\_ ☐ Adjustment to CUP \_\_\_\_\_
- ☐ Protective Overlay: ☐ Approval ☐ Amendment to PO \_\_\_\_\_ ☐ Adjustment to PO \_\_\_\_\_
- ☐ Conditional Use: To allow: \_\_\_\_\_ zone district: \_\_\_\_\_  
☐ Adjustment to CU/CON No. \_\_\_\_\_
- ☐ Vacation of: \_\_\_\_\_ zone district: \_\_\_\_\_  
(Use a separate sheet for legal description, if necessary.)
- ☐ Administrative Permit: To allow: \_\_\_\_\_ foot high wireless communication facility. zone district: \_\_\_\_\_
- ☐ Off-Site Billboard Sign within \_\_\_\_\_ feet of a residential lot/structure. zone district: \_\_\_\_\_

### Board of Zoning Appeals:

- ☐ Variance: To allow: \_\_\_\_\_ zone district: \_\_\_\_\_
- ☐ Appeal of: \_\_\_\_\_ zone district: \_\_\_\_\_
- ☐ Zoning Adjustment: To allow: \_\_\_\_\_ zone district: \_\_\_\_\_
- ☐ Sign Code Adjustment: To allow: \_\_\_\_\_ zone district: \_\_\_\_\_

## SECTION II

1. The application area is legally described as Lot(s) \_\_\_\_\_ ; Block(s) \_\_\_\_\_ , \_\_\_\_\_ Addition, (Wichita) Sedgwick County, KS. If appropriate, a metes and bounds description may be attached.
2. The application area contains \_\_\_\_\_ acres.
3. This property is located at (address) \_\_\_\_\_ which is generally located at (relation to nearest streets) \_\_\_\_\_
4. We file this request for the following reasons: \_\_\_\_\_  
\_\_\_\_\_
5. County control number: \_\_\_\_\_

(Continued)

6. The names of the owners of all property included in this application MUST be listed as applicants. Contract purchasers, lessees or others directly associated with the property may also be listed if they desire to be advised of the proceedings. (Use a separate sheet for additional applicants if needed.)

A. APPLICANT \_\_\_\_\_ PHONE \_\_\_\_\_  
ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

AGENT \_\_\_\_\_ PHONE \_\_\_\_\_  
ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

B. APPLICANT \_\_\_\_\_ PHONE \_\_\_\_\_  
ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

AGENT \_\_\_\_\_ PHONE \_\_\_\_\_  
ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

C. APPLICANT \_\_\_\_\_ PHONE \_\_\_\_\_  
ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

AGENT \_\_\_\_\_ PHONE \_\_\_\_\_  
ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

7. We acknowledge receipt of the instruction sheet explaining the method of submitting this application. We realize that this application cannot be processed unless it is completely filled in; is accompanied by a current abstractor's certificate as required in the instruction sheet; and is accompanied by the appropriate fee. We further certify that the foregoing information is true and correct to the best of our knowledge. We authorize unannounced inspections of the subject property by City and/or County staff for the purpose of collecting information to review and analyze this request. We acknowledge that the MAPC, Governing Body, or Board of Zoning Appeals shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfare.

\_\_\_\_\_  
Applicant's Signature By \_\_\_\_\_  
Authorized Agent (If Any)

\_\_\_\_\_  
Applicant's Signature By \_\_\_\_\_  
Authorized Agent (If Any)

\_\_\_\_\_  
Applicant's Signature By \_\_\_\_\_  
Authorized Agent (If Any)

The Petition must bear the signature(s) of the property owner(s). If an authorized agent signs on the owner's behalf, the agent shall sign his own name and attach the owner's written notarized authorization to this application.

---

---

**FOR OFFICE USE ONLY**

Map \_\_\_\_\_ Zoning (N) \_\_\_\_\_ (S) \_\_\_\_\_ (E) \_\_\_\_\_ (W) \_\_\_\_\_ MAPC/BZA \_\_\_\_\_ Township \_\_\_\_\_

Council/Commission District \_\_\_\_\_ DAB \_\_\_\_\_ Sm. City PC \_\_\_\_\_

NA/HOA \_\_\_\_\_

Date \_\_\_\_\_ Fee \_\_\_\_\_ Received By \_\_\_\_\_

**Required Documents:**

☐ Ownership List ☐ BZA Justification ☐ Legal Description ☐ Vacation Petition ☐ Site Plan ☐ Signs